

REMARKS

This Amendment responds to the office action dated July 17, 2007.

The examiner has rejected claims 1-4, 7 and 8 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 7,148,980 by Tominaga (Tominaga).

This rejection fails to present a *prima facie* case of anticipation as Tominaga is not a proper prior art reference. The present application claims the benefit of US Provisional Patent Application No. 60/261,132 filed on January 11, 2001, which comprises disclosure describing the currently claimed invention in a manner provided by the first paragraph of 35 U.S.C. §112.

U.S. Patent No. 7,148,980 by Tominaga was filed in the US on May 16, 2001, after the priority date of the present application and claims. Proper prior art under 35 U.S.C. §102(e) comprises: (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent; or (2) a patent granted on an application for patent by another filed in the United States; or (3) an international application filed under the treaty defined in section 351(a) designating the United States and published under article 21(2) in the English language. As U.S. Patent No. 7,148,980 was filed on May 16, 2001 after the present application's priority date of January 11, 2001, this reference does not constitute prior art under 35 U.S.C. §102(e).

Accordingly, this rejection should be withdrawn.

The examiner has rejected claims 5, 6, 9-13, 15, 16, 18, 19, 23 and 24 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,148,980 by Tominaga (Tominaga) in view of U.S. Patent No. 5,287,194 by Lobiondo (Lobiondo).

As this rejection cites a combination of references including a reference that is not proper prior art under 35 U.S.C. §102, this rejection is improper. U.S. Patent No. 7,148,980 by Tominaga is not a proper prior art reference for the reasons stated above. Accordingly, this reference should be withdrawn.

The examiner has rejected claims 14 and 17 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,148,980 by Tominaga (Tominaga) in view of U.S. Patent No. 6,049,394 by Fukushima (Fukushima).

As this rejection cites a combination of references including a reference that is not proper prior art under 35 U.S.C. §102, this rejection is improper. U.S. Patent No. 7,148,980 by Tominaga is not a proper prior art reference for the reasons stated above. Accordingly, this reference should be withdrawn.

The examiner has rejected claim 20 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,148,980 by Tominaga (Tominaga) in view of U.S. Patent No. 6,665,082 by Takeoka et al (Takeoka et al).

As this rejection cites a combination of references including a reference that is not proper prior art under 35 U.S.C. §102, this rejection is improper. U.S. Patent No.

Appl. No. 09/964,985
Amdt. dated October 17, 2007
Reply to Office action of July 17, 2007

7,148,980 by Tominaga is not a proper prior art reference for the reasons stated above.

Accordingly, this reference should be withdrawn.

The examiner has rejected claims 21 and 22 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,148,980 by Tominaga (Tominaga) in view of U.S. Patent No. 6,891,632 by Schwartz (Schwartz).

As this rejection cites a combination of references including a reference that is not proper prior art under 35 U.S.C. §102, this rejection is improper. U.S. Patent No. 7,148,980 by Tominaga is not a proper prior art reference for the reasons stated above. Accordingly, this reference should be withdrawn.

Based on the foregoing amendments and remarks, the Applicant respectfully requests reconsideration and allowance of the present application.

Respectfully submitted,

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